

BOISE CITY WOODBURNING ORDINANCE(S)

BY THE COUNCIL:

BAKER, BRENNAN, COLES, SMITH,
WEBB, AND WETHERELL

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE
CITY, IDAHO:

Section 1. That a new Title 4, Chapter 6, Boise City Code, be,
and the same is hereby enacted to read as follows:

4-6-1: OBJECTIVE: To protect air quality resources vital to public
health, safety and economic future of Boise City by controlling emissions
from solid fuel and refuse burning.

4-6-2: APPLICABILITY: The provisions of this Chapter shall apply to
all areas of Boise City.

4-6-3: DEFINITIONS:

For the purpose of this ordinance, the following terms, phrases, words
and derivations shall have the meaning given herein. The word "shall" is
always mandatory and not merely directory.

"Air Pollution" the presence in the outdoor atmosphere of any
contaminant or combinations thereof in such quality or of such nature and
duration and under such conditions as would be injurious to human health
or welfare, to animal or plant life, or to property, or to interfere
unreasonably with the enjoyment of life or property.

"Building" means any structure, dwelling, office, industrial
plant, garage, or barn, whether publicly or privately owned or any other
structure as defined by the Uniform Building Code as adopted by the Boise
City Code 4-2.

"Burn Down" that period of time following an air pollution
alert, required for the cessation of combustion within any solid fuel
heating appliance, included within this ordinance.

"Clean Burning Appliance" means a solid fuel heating appliance
that the Building Department has determined to meet emission performance
standards set in accordance with this chapter.

"Economic Hardship" means fifty (50%) or less of Boise City's
median income as established by the U.S. Department of Housing and Urban
Development (HUD).

"Heat Output" means the Btu/hour output of a solid fuel
heating appliance measured under testing criteria as adopted by the Boise
City Building Department.

"Open Burning" means the combustion of any material not
contained in a heating appliance or incenerator.

"Particulate Matter" gas-borne particles resulting from incomplete combustion, consisting predominately, but not exclusively, of carbon and other combustible matter.

"Person" means any individual, firm, partnership, association, corporation, company, organization, or governmental entity.

"Refuse" means all solid wastes, garbage and rubbish, including, but not limited to, cardboard, plastic, rubber, styrofoam, petroleum products, food stuff, Christmas trees, yard debris or chemically treated wood.

"Refuse Incenerator" means any device designed or operated to reduce the volume of refuse. Natural gas-fired pathological incinerators are excluded.

"Solid Fuel" means any form of untreated wood or coal.

"Solid fuel heating appliance" means an enclosed device designed for solid fuel combustion that meets all of the following criteria:

1. An air-to-fuel ratio averaging less than 35-to-1 and,
 2. Firebox volume less than 20 cubic feet and,
 3. Minimum burn rate less than 5kg/hr and,
 4. Maximum weight of less than 800 kg.
- Explicitly excluded are furnaces, boilers, cookstoves and open fireplaces.

"Weighted Average" means the weighted average of the test results of the distribution of the heating needs in Boise City as calculated by the Building Department.

2-6-4: AIR QUALITY DESIGNATIONS AND ALERT CRITERIA:

- A. The quality of Boise's air shall be determined by monitoring pollutant levels with equipment and methods approved by the Idaho State Air Quality Bureau.
- B. The quality of Boise City's air shall be designated according to the following table; where "PM 10" indicates particulate matter with an aerodynamic diameter less than or equal to ten (10) microns:

Health Effect Designation	PM 10 Concentrations 24-hour ($\mu\text{g}/\text{m}^3$)
Good	0-50
Moderate	51-150
Unhealthful	151-350
Very Unhealthful	351-420
Hazardous	>420

- C. In order to prevent the existence of air quality that is unhealthful, an air pollution "alert" will be declared whenever the Idaho State Air Quality Bureau measures levels of PM 10 concentrations exceeding 110 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) and forecasts air stagnation conditions

continuing for at least 24-hours.

1-6-5: PUBLIC NOTIFICATION:

- A. Between November 1 and March 1, a 24-hour per day phone line will provide current information on air quality conditions.
- B. Whenever air pollution alert conditions are met, local print, radio, and television news media will be notified. Announcements of the existence of an air pollution "alert" will be made by the news media during regularly scheduled broadcasts and in all editions of the official newspaper of Boise City.

4-6-6: BURNING SOLID FUEL OR REFUSE:

- A. No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel.
- B. No person shall cause or allow a refuse incenerator to be operated contrary to design specifications and manufacturers' instructions.

4-6-7: AIR QUALITY ALERT/ADDITIONAL RESTRICTIONS: At the onset and during the pendency of a declared air quality "alert", the following additional restrictions apply:

1. No person shall cause or allow, after a three (3) hour "burn down" period, the operation of a solid fuel heating appliance or open fireplace, unless an exemption has been granted by the Building Department and an exemption decal is displayed and visible from a place of public access.
2. No person shall cause or allow the operation of a solid waste incenerator.
3. No person shall cause or allow open burning of refuse.

4-6-8: AIR QUALITY ALERT EXEMPTIONS:

- A. The Building Department shall grant exemptions from this ordinance if it is determined by the Building Director or designee that:
 1. A solid fuel heating appliance is the sole source of heat for the building in which it is situated; or
 2. That using alternative heating would cause an unreasonable economic hardship; or
 3. The Solid fuel heating appliance is listed by the Building Department as a clean burning appliance.
- B. Any person denied an exemption under this Chapter shall be provided, at the option of the applicant for exemption, a hearing before the Solid Fuel Heating Appliance Appeals and

Advisory Board as provided for in this Chapter.

- C. Any building constructed after the effective date of this Ordinance shall not be eligible for an exemption under Subsections 1 and 2 above.

4-6-9: SOLID FUEL HEATING APPLIANCE PERMITS:

- A. It shall be unlawful for any person in the City of Boise City to install a solid fuel heating appliance in any new or existing structure until first procuring from the Building Department a solid fuel heating appliance permit.
- B. It shall be unlawful on or after July 1, 1987, for any person in the City of Boise City to: advertise for sale, offer to sell, or sell, for installation in any new or existing building, or to install or allow to be installed in any new or existing building, a solid fuel heating appliance which has not been certified as clean burning by the Oregon Department of Environmental Quality (DEQ) or the United States Environmental Protection Agency (EPA).

4-6-10: DENIAL OF PERMIT OR EXEMPTION: Upon showing of sufficient cause to believe that grounds exist for denial of a permit, or exemption of the rules and regulations of the Building Department, as provided for in this Chapter, the Director or designee may deny said permit or exemption by:

- A. Notifying the applicant by certified mail, personal service, or substituted service of the grounds for said denial and of the applicants opportunity to appeal said denial to the Solid Fuel Heating Appliance Appeals and Advisory Board.
- B. Failure of a person to actually receive a notice sent or served, shall not invalidate the denial.
- C. The applicant, upon receiving notice of the denial, may appeal said denial by making application for a hearing before the Solid Fuel Heating Appliance Appeals and Advisory Board within ten (10) working days of receipt of above notice.

4-6-11: DENIAL HEARING AND DETERMINATION BY BOARD: The hearing shall be before the Solid Fuel Heating Appliance Appeals and Advisory Board. At such hearing the applicant may present evidence, call witnesses and be represented by Counsel. Within ten (10) working days after the date of the hearing, the Solid Fuel Heating Appliance Appeals and Advisory Board shall either:

- A. Approve the denial by Director or designee.
- B. Allow the issuance of the permit or exemption with modifications or conditions as the Board may impose, such modifications or conditions to be reasonably related to the use of the permit or exemption.

4-6-12: APPEAL OF DECISION OF BOARD: The decision of the board on a

ennial shall be final and conclusive. Appeal from a decision of the board must be made to the District Court for Ada County.

-6-13: MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES:

- A. In no event shall the standards for clean burning solid fuel heating appliances, as adopted by rule and regulation by the Building Department allow a weighted average particulate emission greater than:
1. For a new clean burning solid fuel heating appliance with a minimum heat output of less than 40,000 Btu per hour, from and after July 1, 1987 until June 30, 1988, when tested pursuant to procedures approved by the Building Department:
 - a. 15 grams per hour for a non-catalytic solid fuel heating appliance.
 - b. 6 grams per hour for a catalytic solid fuel heating appliance.
 2. For a new clean burning solid fuel heating appliance with a minimum heat output of less than 40,000 Btu per hour, after July 1, 1988, when tested pursuant to procedures approved by the Building Department:
 - a. 8.5 grams per hour for a non-catalytic solid fuel heating appliance.
 - b. 5.5 grams per hour for a catalytic solid fuel heating appliance.
 3. For a new clean burning solid fuel heating appliance with a minimum heat output of less than 40,000 Btu per hour, after July 1, 1990, when tested pursuant to procedures approved by the Building Department:
 - a. 7.5 grams per hour for a non-catalytic solid fuel heating appliance.
 - b. 4.1 grams per hour for a catalytic solid fuel heating appliance.
 4. Clean burning solid fuel heating appliances with a minimum heat output of greater than 40,000 Btu per hour, after January 1, 1987, shall not exceed an average particulate emission standard equal to the sum of 8.0 grams per hour plus 0.2 grams per hour for each thousand Btu per hour heat output.
 5. Any person denied a clean burning solid fuel heating appliance permit shall have a right to a hearing pursuant to this Chapter.
- B. The Building Department Shall maintain a list of appliances

certified to be clean burning.

4- 14: SOLID FUEL HEATING APPEALS AND ADVISORY BOARD.

4-6-15: MEMBERSHIP; TERM OF OFFICE: The membership of the Solid Fuel Heating Appliance Appeals and Advisory Board shall be composed of three (3) members. The term of office for all Solid Fuel Heating Appliance Appeals and Advisory Board members shall be three (3) years. One Board member shall be appointed for a term of one (1) year; one Board member shall be appointed for a period of two (2) years; and one Board member shall be appointed for a period of three (3) years. Thereafter, each Board member shall be appointed for a period of three (3) years.

4-6-16: ORGANIZATION: The Board shall organize and select one of its members as chairman. The Board shall meet when required to hear appeals from denials of solid fuel heating appliance permits as provided in this Chapter.

4-6-17: POWERS AND DUTIES: The Solid Fuel Heating Appliance Appeals and Advisory Board shall hear and decide all appeals from a denial by the Building Director or designee of a Solid Fuel Heating Appliance permit as is required by this Chapter. The Solid Fuel Heating Appliance Appeals and Advisory Board shall recommend to the Building Director inspection and enforcement criteria associated with this Chapter.

4-6-18: INCENTIVE PROGRAM FOR THE INSTALLATION OF CLEAN BURNING SOLID FUEL HEATING APPLIANCES: The City of Boise City shall endeavor to create, and provide funding for, an incentive program for the installation of solid fuel heating appliances consistent with the emissions standards provided for solid fuel heating appliances in buildings. Such incentive program shall provide low interest loans, or other inducements, to eligible persons, for the installation of solid fuel heating appliances in existing residential and/or commercial units.

4-6-19: PENALTY: The violation of any provisions of this Chapter, or the failure or omission to perform any duty imposed by the provisions of this Chapter is hereby declared unlawful and punishable as a general misdemeanor, with the exception that a first offense of Boise City Code 4-6-7 shall carry a fine assessed at \$24.50 (twenty-four dollars fifty cents) plus court costs of \$15.50 (fifteen dollars fifty cents) and \$10.00 (ten dollars) victims restitution fund, which may be paid by mail.

Section 2. That pursuant to the affirmative vote of one-half (1/2) plus one (1) of the Members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same hereby is dispensed with, and accordingly, this Ordinance shall be in full force and affect immediately upon its passage, approval and publication.

January 1, 1990

BOISE CITY
BURNING BAN ENFORCEMENT PROCEDURES

The following procedures will be used when an air pollution alert is forecast.

1. The Building Department will attempt to notify the news media at least 24 hours in advance of a forecast air quality alert. Voluntary curtailment of woodburning will be asked for.
2. The State of Idaho Air Quality Bureau will notify the Building Department by 9:00 a.m. when the pollution level (PM 10) has exceeded 110 micrograms per cubic meter and air stagnation (inversion) conditions are forecast to continue for at least 24 hours. The "alert" will continue until PM 10 levels have dropped below 110 micrograms per cubic meter and air stagnation (inversion) conditions are not forecast to continue for at least 24 hours.
3. The State of Idaho Air Quality Bureau will record that an air quality alert is in effect on their automatic telephone answering device.
4. The Boise City Building Department will notify the news media that an air quality alert is in effect and request that they notify the public that the 3 hour burn down period will begin at 12:00 noon.
5. Exemptions to the burning ban shall be applied for and obtained prior to the declaration of an air quality alert. Exemption requests will not be processed during an air quality alert.
6. During an alert, a Building Department staff person will receive complaint calls Monday through Sunday from 6:00 a.m. until 10:00 p.m. Between the hours of 10:00 p.m. and 6:00 a.m., a recorded message will instruct callers to call back the following morning.
7. When a complaint is received, the name and address of the complainant will be recorded as well as the address of the house the complaint is against and the name and phone number of the occupant, if known.
8. Upon receiving a complaint, Building Department staff will contact the occupant of the house, inform them of the burning ban and if smoke is observed, issue a warning ticket for the entire heating season.
9. If a second complaint is received by the Building Department, a staff person will return to the house and a citation may be issued.